

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARRY RAY MITCHELL, )  
                        )  
Petitioner,         )  
                        )  
v.                   ) 1:15CV546  
                        )  
S. MITCHELL, et al., )  
                        )  
Respondents.       )

ORDER

On September 16, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 15) to the Recommendation within the time limit prescribed by Section 636.

The court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 11), which is affirmed and adopted.

IT IS THEREFORE ORDERED that this action be DISMISSED *sua sponte* WITHOUT PREJUDICE to Petitioner filing a new petition which corrects the defects of the current Petition, and that, finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder  
United States District Judge

October 30, 2015